

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

DEC 21 2009

JAMES R. LARSEN, CLERK
YAKIMA, WASHINGTON DEPUTY

1 JAMES A. McDEVITT
2 United States Attorney
3 Eastern District of Washington
4 JANE KIRK
5 Assistant United States Attorney
6 402 East Yakima Avenue, Suite 210
7 Yakima, Washington 98901
8 (509) 454-4425

9 UNITED STATES DISTRICT COURT
10 EASTERN DISTRICT OF WASHINGTON
11

12 UNITED STATES OF AMERICA,

NO: 07-CR-00094-LRS-6

13 DEFERRED PROSECUTION
14 AGREEMENT

15 Plaintiff,

16 v.

17 JOSEPH D. DUNSMOOR,

18 Defendant.

19 AGREEMENT FOR PRE-TRIAL DIVERSION

20 It appearing that you are reported to have
21 committed an offense against the United States during
22 2002, in violation of Title 18, United States Code,
23 Section 371, in that you did participate in a
24 conspiracy to sell contraband cigarettes into
25 Washington State, and it further appearing, after an
26 investigation of the offense, and your background, that
27 the interest of the United States and your own interest
28 and the interest of justice will be served by the
following procedure, therefore,

DEFERRED PROSECUTION AGREEMENT

DUNSMOOR. JKA

1 On the authority of the Attorney General of the
2 United States, by James A. McDevitt, United States
3 Attorney for the Eastern District of Washington,
4 prosecution in this District for this offense shall be
5 deferred for a period of twelve months from the date of
6 the signing of this agreement, provided you abide by
7 the following conditions and the requirements of the
8 program set out below:

9 Should you violate the conditions of this
10 supervision, the United States Attorney may revoke or
11 modify any conditions of this pre-trial diversion
12 program or change the period of supervision which shall
13 in no case exceed eighteen months. The United States
14 Attorney may release you from supervision at any time.
15 The United States Attorney may at any time within the
16 period of your supervision initiate prosecution for
17 this offense should you violate the conditions of this
18 supervision and will furnish you with notice specifying
19 the conditions of your program which you have violated.

20 If, upon completion of your period of supervision,
21 a pre-trial diversion report is received to the effect
22 that you have complied with all the rules, regulations
23 and conditions above mentioned, no prosecution for the
24 offense set out on page 1 of this agreement will be
25 instituted in this District, and any indictment or
26 information will be discharged.

27 Neither this agreement nor any other document filed
28

1 with the United States Attorney as a result of your
2 participation in the Pre-Trial Diversion Program will
3 be used against you, except for impeachment purposes,
4 in connection with any prosecution for the above
5 described offense.

6 CONDITIONS OF PRE-TRIAL DIVERSION

7 1. You shall not violate any law (federal, state
8 and local). You shall immediately contact your pre-
9 trial diversion supervisor if arrested and/or
10 questioned by any law enforcement officer.

11 2. You shall attend school or work regularly at a
12 lawful occupation. You shall consult with your
13 probation officer prior to job or school changes.

14 3. You shall continue to live in the judicial
15 district of Eastern Washington. If you intend to move
16 out of the district, you shall inform your probation
17 officer so that the appropriate transfer of program
18 responsibility can be made.

19 4. You shall report to your probation officer as
20 directed and keep him/her informed of your whereabouts.

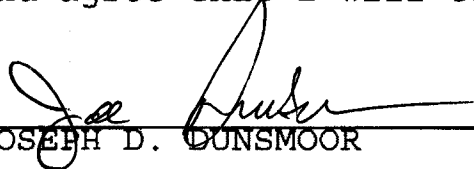
21 5. You shall report to the United States
22 Attorney's Office as directed and keep the United
23 States Attorney informed of your whereabouts.

24 6. You shall strive to achieve the desired goals
25 of the program.


26 I, Joseph D. Dunsmoor, assert and certify that I am
27 aware of the fact that the Sixth Amendment to the
28

1 Constitution of the United States provides that in all
2 criminal prosecutions the accused shall enjoy the right
3 to a speedy and public trial. I also an aware that
4 Rule 48(b) of the Federal Rules of Criminal Procedure
5 provides that the Court may dismiss an indictment,
6 information, or complaint for unnecessary delay in
7 presenting a charge to the Grand Jury, filing an
8 information or in bringing a defendant to trial. I
9 hereby request that the United States Attorney for the
10 Eastern District of Washington defer any prosecution of
11 me for violation of Title 18, United States Code,
12 Section 371 for a period of twelve months, and to
13 induce him to defer such prosecution I agree and
14 consent that any delay from the date of this Agreement
15 to the date of the initiation of the prosecution, as
16 provided for in the terms expressed herein, shall be
17 deemed to be a necessary delay at my request and I
18 waive any defense to such prosecution on the ground
19 that such delay operated to deny my rights under Rule
20 48(b) of the Federal Rules of Criminal Procedure and
21 the Sixth Amendment to the Constitution of the United
22 States to a speedy trial or to bar the prosecution by
23 reason of the running of the statute of limitations for
24 a period of fourteen months, which is the period of
25 this Agreement plus two months to permit adequate time
26 to prepare for trial, should this Agreement not be
27 completed.


1 I hereby state that the above has been read by me.
2 I understand the conditions of my pre-trial diversion
3 and agree that I will comply with them.

4
5 
6 JOSEPH D. DUNSMOOR

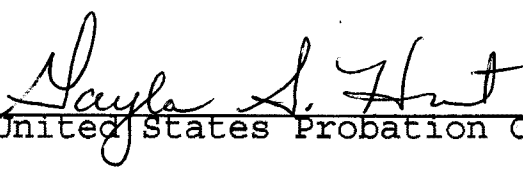
12/17/09
DATE

7 
8 CHRISTINA L. HUNT
9 Defendant's Attorney

12/17/2009
DATE


10 
11 JANE KIRK
12 Assistant United States Attorney

December 17, 2009
DATE

13 
14 Sayla L. Hunt
15 United States Probation Officer

12/17/2009
DATE

16
17 APPROVED without passing judgment on the merits or
18 wisdom of this diversion.

19
20 
21 LONNY R. SUKO
22 United States District Court Judge

12/21/09
DATE